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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,771	09/26/2000	Kouichi Mizukami	10517/73	3237

7590 05/16/2003  
Kenyon & Kenyon  
One Broadway  
New York, NY 10004

EXAMINER

BOTTORFF, CHRISTOPHER

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 05/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/669,771

Applicant(s)

MIZUKAMI ET AL.

Examiner

Christopher Bottorff

Art Unit

3618

25

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

The amendment filed April 14, 2003 has been entered. Claim 9 is added, which is renumbered as claim 10. Claims 1-8 and 10 are pending.

#### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 9 has been renumbered claim 10. Note that claim 9 was already presented with the originally filed claims and was canceled in the amendment filed January 31, 2002.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford Taurus & Mercury Sable Haynes Repair Manual (Taurus) in view of Takayama et al. US 6,119,060.

Art Unit: 3618

Taurus teaches a structure in a motor vehicle that includes an engine control computer (ECA; see the discussion in column 3 of page 6-1), a relay block (item 6 in figure 4.2 indicates the presence of relays within the vehicle), a junction box (see the box housing the fuse unit in figure 4.1), an ABS actuator (see the discussion on page 9-16), a meter unit (any instrument panel gauge), a partition wall that separates the engine room and the cabin from each other (depicted in figure 1.2b), and a brake system (depicted in figure 1.2b). These components are concentrated within the vehicle body. Moreover, in the last paragraph of page 6 of the remarks to the amendment filed November 25, 2002 Applicants admit that these components are contained in "virtually every car sold in the U.S. in the recent past." These admitted components would necessarily be concentrated within the vehicle body.

Although the claims broadly define the generally centralized region, the disclosure suggests that the components are arranged along the longitudinal centerline of the vehicle. Taurus does not disclose the engine control computer, the relay block, the junction box, and the ABS actuator as being located in a generally centralized region as broadly defined in the claims, or along the centerline as suggested by the disclosure. Taurus also does not disclose that the locations of the engine control computer, the relay block, the junction box, and the ABS actuator are the same when the vehicle is a right-hand drive vehicle as when the vehicle is a left-hand drive vehicle.

However, Takayama et al. teaches that the practice of concentrating electrical components along the longitudinal centerline and on a dash cross member of a vehicle was old and well known in the art at the time the invention was made. See figures 1

Art Unit: 3618

and 2; lines 30-34 of column 3; and lines 36-43 of column 17. From the teachings of Takayama et al., concentrating the above components of Taurus along the longitudinal centerline would have been obvious to one of ordinary skill in the art at the time the invention was made. This would improve the efficiency of the assembly process. Locating these components along the centerline would necessarily locate the components within the generally centralized region of the vehicle as defined in the claims. In addition, locating these components along the centerline would necessarily ensure that there locations would be the same when the vehicle is a right-hand drive vehicle as when the vehicle is a left-hand drive vehicle.

Furthermore, rearranging the placement of components within a vehicle would not modify their operation and represents an obvious design choice. See *In re Japikse*, 86 USPQ 70 (CCPA 1950) and *In re Kuhle*, 188 USPQ 7 (CCPA 1975). This rearrangement would improve the efficiency of the assembly process.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford Taurus & Mercury Sable Haynes Repair Manual (Taurus) in view of Takayama et al. US 6,119,060 as applied to claim 1 above, and further in view of Toshihiro et al. JP 64-30856.

Taurus does not teach the junction box and relay block being constructed as an integral assembly and mounted at least partly in a cowl. However, Toshihiro et al. teaches a vehicle body having a cowl (fig.1 and 2) formed in the vicinity of a partition

Art Unit: 3618

wall 3, and wherein a relay block (10) and a junction box (4) are formed as an integral assembly and mounted at least partly in the cowl.

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to make the junction box and relay block of Taurus as an integral unit and place them within a cowl member in the vicinity of the partition wall, as taught by Toshihiro et al., because it would facilitate the check of wiring and the replacement of fuses (Toshihiro, Constitution).

### ***Response to Arguments***

Applicant's arguments filed April 14, 2003 have been fully considered but they are not persuasive.

The arguments on page 3 of the remarks regarding the rejection under 35 USC §112, second paragraph, are persuasive. The scope of the claim is broadly defined. Since the brake booster is located in a right half region and a left half region, which is merely the right and left halves of the vehicle, the brake booster may be located anywhere within the vehicle. Thus, the generally centralized region, as defined in terms of the brake booster, may extend from the centerline to one half the distance from the centerline to the outer side walls of the vehicle when the brake booster is located at the outer side walls of the vehicle. However, broadly defining this region does not distinguish over the prior art since Takayama et al. teaches locating the components along the centerline, which is within the broadly defined generally centralized region.

In regard to the rejection of the claims under 35 USC §103(a), Applicants assert that Takayama et al. teaches away from the claimed invention. Applicants allege that Takayama et al. only teaches the location of control units and accessories, and not the location of the units themselves. However, the claimed components (engine control computer, relay block, junction box, and ABS actuator) are control units and accessories. The engine control unit discussed on line 38 of column 17 of Takayama et al. is the equivalent of the claimed engine control computer. The ABS control unit discussed on line 39 of column 17 of Takayama et al. is the equivalent of the claimed ABS actuator, particularly since the claims do not define the term "actuator" in any way that would exclude its interpretation as a computer control unit. Also, the claimed relay block and junction box are accessories within the range of equivalents established by the disclosure. These components are not "non-accessory" components as suggested by Applicants. Therefore, the teachings of Takayama et al. are consistent with, and do not teach away from, the present claims, even under the interpretation suggested by Applicants.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Bottorff whose telephone number is (703) 308-2183. The examiner can normally be reached on Mon.-Fri. 7:30 a.m. - 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on (703) 308-0885. The fax phone numbers

Art Unit: 3618

for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

A handwritten signature in black ink, appearing to read "Christopher Bottorff". The signature is fluid and cursive, with the first name "Christopher" and last name "Bottorff" clearly distinguishable.

Christopher Bottorff  
May 12, 2003